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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,900	07/25/2001	J. David Derosier	YYDD-1J	6589

7590 05/09/2005  
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EXAMINER

SHARMA, SUJATHA R

ART UNIT PAPER NUMBER

2684

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/912,900

Applicant(s)

DEROSIER ET AL.

Examiner

Sujatha Sharma

Art Unit

2684

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,4,6-11,14,15,17,18,20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Park [US 6,490,455].

Regarding claims 1,8-11,18,20-22 Park discloses a method of generating a psuedo base station signal for transmission to a mobile phone in a detection area (thus intervening between a wireless communication device and a base station) comprising:

- employing a receiver to scan for transmissions from multiple surrounding base stations; see fig. 3, col. 5, lines 37-41
- measuring the absolute field strength of all received transmission and recording the information transmitted by the base stations; see fig. 3, col. 7, lines 27-29

- setting the transmission power level of a transmitter to have an absolute field strength greater than the highest measured absolute field strength detected from a corresponding base station; see summary of invention, col. 7, lines 27-33
- receiving an interface signal from a wireless communication device; and
- transmitting to the wireless communication device the corresponding information to thereafter control the wireless communication device by establishing a communication channel between the wireless communication device and the receiver and transmitter instead of between the wireless communication device and a surrounding base station to prevent use of the wireless communication device proximate the receiver and transmitter. See summary of invention, col. 8, lines 51-55

Regarding claims 4,15 Park discloses a method further including the step of keeping a record of all interface signals and requests for service transmissions received from a wireless communication device (here the MSC keeps records of all mobile registrations to facilitate call delivery and other related information to the particular mobile stations). See col. 4, lines 25-33 and lines 56-61.

Regarding claims 6,17 Park further discloses a method including the step of providing an alarm when a wireless communication device transmits a request for service transmission (here location registration implies request for service transmission). See summary of invention and col. 9, lines 33-45.

Regarding claims 7,14 Park further discloses a method in which the step of transmitting includes instructing the wireless communication device to undertake processes to remove itself from normal communication with a cellular telephone service provider. See summary of invention and col. 9, lines 33-45.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 2,12,19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455] in view of Heinonen [US 6,438,385].

Regarding claims 2,12,19, Park discloses all the limitations as claimed. However hoe does not disclose a method in which the step of transmitting includes instructing the wireless communication device to lower its transmission power so that transmissions from the wireless communication device do not reach any corresponding surrounding base.

Heinonen, in the same field of endeavor, teaches a method for eliminating disturbance caused by a mobile station within a certain area. Heinonen further teaches a method in which the step of transmitting includes instructing the wireless communication device to lower its transmission power so that transmissions from the wireless communication device do not reach any corresponding surrounding base. See summary of invention, col. 4, lines 31-41.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Heinonen to Park in order to eliminate disturbance caused by a mobile station within a certain area.

5. Claims 3,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455] in view of Takai [US 6,128,507].

Regarding claims 3,13, Park discloses all the limitations as claimed. However, he does not disclose a method where the base station sends a command changing the control channel frequency from an original radio frequency to a new radio frequency.

Takai, in the same field of endeavor, teaches a method where a misbehaving mobile phone is disabled by a method where the base station sends a command changing the control channel frequency from an original radio frequency to a new radio frequency. See col. 4, lines 24-47.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the teachings of Takai to Park in order to disable a mobile unit that is misbehaving or operating in a restricted zone.

6. Claims 5,16,23,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455].

Regarding claims 5,16, Park specifically does not disclose a method including the step of polling the record to track movement of a wireless communication device.

However it is well known in the art that MSC polls all mobile registrations in order that it can locate a mobile and route the call appropriately.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made for the MSC to poll and keep track of the mobiles in order to locate a mobile in an restricted or unwanted area and eliminate disturbance caused by said mobile station within the said certain area

Regarding claims 23,25 Park discloses a method of generating a psuedo base station signal for transmission to a mobile phone in a detection area (thus intervening between a wireless communication device and a base station) comprising:

- control unit (detecting unit); see summary of invention and Fig. 3
- an antenna, and a receiver responsive to transmissions received by the antenna; see fig. 3, col. 5, lines 37-41
- a transmitter having an adjustable power level; see summary of invention, col. 7, lines 27-33

a control module responsive to the receiver and connected to the transmitter, the control module configured to:

- measure the absolute field strength of a received transmission detected by the receiver from surrounding base stations and record the information transmitted by the surrounding base stations,; see fig. 3, col. 7, lines 27-29
- set the transmission power level of the transmitter to have an absolute field strength greater than the highest measured absolute field strength detected from a corresponding base station; see summary of invention, col. 7, lines 27-33
- detect and record an interface signal received by the receiver from a wireless communication device in a predefined area proximate the receiver;(here the MSC keeps records of all mobile registrations to facilitate call delivery and other related information to the particular mobile stations). See col. 4, lines 25-33 and lines 56-61.
- transmit, at the set absolute field strength, the corresponding information to the wireless communication device so that the system prevents the use of the wireless communication device in the predefined area; See summary of invention, col. 8, lines 51-55
- a system computer responsive to the remote management unit for providing an alarm when the wireless communication device transmits a request for service transmission. See fig. 3, summary of invention, col. 9, lines 33-45.

Park specifically does not disclose a method including the step of polling the record to track movement of a wireless communication device.

However it is well known in the art that MSC polls all mobile registrations in order that it can locate a mobile and route the call appropriately.



Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made for the MSC to poll and keep track of the mobiles in order to locate a mobile in an restricted or unwanted area and eliminate disturbance caused by said mobile station within the said certain area

4. Claims 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park [US 6,490,455] in view of Kline [US 6,496,104].

Regarding claim 24, Park discloses all the limitations as claimed. However he does not disclose a method in which the remote management unit is linked to the plurality of control units via AC power lines.

Salazar, in the same field of endeavor, teaches a method where data signals are transmitted using power lines to reduce the amount of radiated emissions, enhance data security and mitigate interference from other sources. See summary of invention. Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Kline to Park in order to reduce the amount of radiated emissions, enhance data security and mitigate interference from other sources.

#### ***Response to Arguments***

5. Applicant's arguments filed 12/6/2004 have been fully considered but they are not persuasive.

The applicant argues that the primary reference Park does not teach, disclose or suggest transmitting information to a wireless communication device information to control it by

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establishing a communication channel between it and the receiver and transmitter rather than a surrounding base station to prevent use of the wireless communication device proximate the receiver and transmitter. The applicant further argues that Park relates only to when a mobile phone is in an idle state, rather than when the mobile phone is powered-on and a communication channel is already established. Moreover, Park et al. does not teach, disclose or suggest transmitting information to a mobile phone to control the mobile phone to prevent use of the mobile phone in a predefined area.

The examiner respectfully disagrees and draws attention to the Park reference. By definition, an idle state of the phone is a powered-on state and a communication channel is established between the mobile phone and the receiver and transmitter to prevent use of the wireless communication device proximate the receiver and transmitter. See summary of invention, col. 8, line 51 – col. 9, line 45. Further in col. 9, lines 33-45, Park discloses a method where a communication channel is established to turn off the phone and thus prevent use of the wireless communication device proximate the receiver and transmitter.

For these reasons the rejections of the claims 1-25 discussed in the previous office action (mailed on 9/27/04) and also discussed in this office action is considered proper.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sujatha Sharma  
April 19, 2005

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER